

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-1-10 Joel Floyd & Karen Sondak

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: February 3, 2010.

CERTIFICATE OF SERVICE

This is to certify that on February 23, 2010, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DER, Building Code Official, Permits & Review Div.
Municipality
Other Interested Parties

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Joel Floyd & Karen Sondak

Appeal No.: V-1-10

Subject Property: Lot 21 and Part of Lots 20 & 22, Block B, College Heights Subdivision, being 6805
Pineway, University Park, Prince George's County, Maryland

Municipality: Town of University Park

Witness: Tracey Toscano, Council Member, Town of University Park and Neighbor

Heard and Decided: February 3, 2010

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-442(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition and construct a deck and enclosed porch. A variance of 2.8% net lot coverage is requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property contains 10,120 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. The property was developed with a single-family dwelling in 1925. See Exhibits ("Exhs.") 3, 5, 11.
2. The property was created by deed in 1977 and consists of one record lot and parts of two additional lots that were subdivided in 1920. See Exhs. 3, 6-7.
3. The existing detached garage is located in the right rear corner of the property and a 106-foot-long driveway accesses the garage. See Exhs. 3, 12.
4. Petitioners propose to construct a 16' x 10' deck and 12' x 10' screened porch on the rear of the existing dwelling. See Exhs. 3, 4(A)&(B). The allowable amount of net lot coverage permitted for the property is already exceeded by existing development on the property and construction of the porch would further exceed the limit. See Exh. 13. A variance of 2.8% net lot coverage was requested to validate the existing overage net lot condition and obtain a building permit to construct the deck and porch. See Exh. 15.
5. Petitioner Joel Floyd testified that when he applied for a building permit, he was informed that a variance was needed for the overage of net lot coverage. He stated that their proposed deck is necessary

for safety and health reasons. He explained that the deck would provide a means of rear egress from the house, where currently there is none, and the porch would provide protection from mosquitoes and diseases stemming from a neighbor's pond which has become a breeding place for tiger mosquitoes.

6. He further stated that the design and materials to be used for the construction will be in keeping with the historic nature of the period of the house and the character of the neighborhood. He explained that because the driveway extends the entire length of the lot to the garage, it adds a sizeable percentage to the overall lot coverage. See Exh. 2.

6. Council Member Tracey Toscano expressed support for Petitioners' request.

7. The Town of University Park ("Town") supported the request subject to the condition that after Petitioners obtain the County building permit, they submit final drainage plans for approval with their request for a Town building permit. See Exh. 20.

8. The Historic Preservation & Public Facilities Planning Section of the Maryland-National Capital Park and Planning Commission stated the property is within the University Park National Register Historic District (#66-029), but the proposed changes to the house will have no effect on identified Historic Sites, Resources or Districts. See Exh. 19.

Applicable Code Section And Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the condition of uncontrollable mosquitoes on the land, an existing driveway running the entire length of the lot to a detached garage in the rear yard, the long driveway making up a sizeable percentage of the total net lot coverage, Petitioners' proposed construction providing an additional safety exit from the house, the proposed screened porch providing protection from disease-carrying insects, the proposed changes to the house having no effect on identified Historic Sites, Resources or Districts, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 2.8% net lot coverage in order to validate an existing condition and construct a 10' x 16' deck and 10' x 12' screened porch on the property located at Lot 21 and Part of Lots 20 & 22, Block B, College Heights Subdivision, being 6805 Pineway, University Park, Prince George's County, Maryland, be and is hereby APPROVED. Approval

of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(A)&(B). Upon obtaining a County building permit, Petitioners shall obtain a Town permit and include final drainage plans for approval.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.